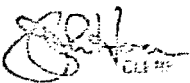


UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

FILED
MAR 21 2011


UNITED STATES OF AMERICA,

CR. 07-40055-24

Plaintiff,

- vs -

ORDER REGARDING
CREDIT FOR TIME SERVED

CRAIG LEWIS,

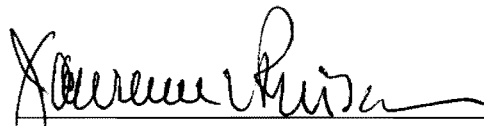
Defendant.

Defendant Craig Lewis has moved this Court for a declaratory order granting him credit for time served prior to entering a plea of guilty in this case. Doc. 1878. The United States responded that based on its calculations and understanding of the plea negotiations it does not object to this Court granting 403 days of credit to the Defendant's federal sentence. Doc. 1882. Neither party has submitted authority for the Court entering a declaratory order in this matter. The Court, however, will construe Defendant's motion as a motion for correction of a clear error of calculation under FED. R. CRIM. P. 35(a) and a Second Amended Judgment will be issued giving Defendant Craig Lewis 403 days of credit for time served prior to his entering a plea of guilty.

IT IS SO ORDERED.

Dated this 18th day of March, 2011.

BY THE COURT:


Lawrence L. Piersol
United States District Judge

ATTEST:

JOSEPH HAAS, CLERK

BY: 
(SEAL) DEPUTY